

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

W. J. King
PL-11
29161

FILE: B-214450

DATE: August 24, 1984

MATTER OF: P.D. Magnetics

DIGEST:

Protest to GAO filed more than 10 days after protester knew that its bid was rejected as nonresponsive and the reason therefor is untimely and not for consideration.

P.D. Magnetics (P.D.) protests the Department of the Army's (Army) rejection of its bid as nonresponsive under invitation for bids (IFB) No. DAAG08-84-B-0094.

We dismiss the protest as untimely.

The IFB was issued on a brand name or equal basis for 5,000 video cassette tapes packed in plastic storage boxes. The solicitation included the standard brand name or equal clause requiring a bidder offering an "equal" product to provide all descriptive material necessary for the contracting activity to determine exactly what the bidder is offering and whether it meets the required salient characteristics. By letter of January 20, 1984, the Army informed P.D. that its bid was rejected because its "[box] specifications cannot be identified."

On January 27, 1984, P.D. sent the Army a sample of a plastic storage box, expressing hope that it would still be considered for the contract. Award was made to another bidder on January 31, 1984. P.D.'s protest to GAO was filed on February 22, 1984. Under our Bid Protest Procedures, a protester is required to protest within 10 working days after the basis for the protest is known or should have been known. 4 C.F.R. § 21.2(b)(2) (1984). In this case, that date was January 27, 1984, at the latest, and P.D.'s protest received here on February 22, 1984, is untimely.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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